

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:

ERG Intermediate Holdings, LLC, *et al.*,¹

Debtors.

Chapter 11

Jointly Administered

Case No.: 15-31858-hdh-11

NOTICE OF APPEARANCE AND
REQUEST FOR SERVICE OF NOTICES AND PAPERS

Please take notice Donahue Fitzgerald LLP: (a) appears as counsel to Aimwell LLC ("Aimwell") in the above-captioned bankruptcy case (the "**Case**") pending in the United States Bankruptcy Court for the Northern District of Texas (the "**Court**") pursuant to Bankruptcy Rules 2002 and 9010 and Sections 102(1), 342, and 1109(b) of the Bankruptcy Code; and (b) requests that all notices given or required to be given in the Case and all papers served or required to be served in the Case be given to and served upon:

Eric A. Handler
DONAHUE FITZGERALD LLP
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Oakland, California 94612-3520
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Please take further notice that counsel undersigned and Donahue Fitzgerald LLP consents to e-mail service, at the address above, of all notices given or required to be given in the Case.

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are ERG Intermediate Holders, LLC (2521); ERG Resources, L.L.C. (0408); West Cat Canyon, L.L.C. (7377); ERG Interests, LLC (2081); and ERG Operating Company, LLC (8385). ERG Intermediate Holdings, LLC is the direct or indirect parent of each of its affiliated Debtors. The mailing address for each of the Debtors, with the exception of ERG Operating Company, LLC, is 333 Clay Street Suite 4400, Houston, TX 77002. The mailing address for ERG Operating Company, LLC is 4900 California Avenue Suite 300B, Bakersfield, CA 93309. The above addresses are listed sole for the purposes of notice and communications.

Please take further notice that the foregoing demand includes not only the notices and papers referred to in the Rules identified above but also, without limitation, any and all orders, applications, complaints, demands, hearings, motions, petitions, pleadings, requests (whether for relief from stay or otherwise), plans of reorganization statements, schedules, operating reports, any notices related to any of the foregoing, any other auxiliary filings related to any of the foregoing, and any other documents brought before the Court or filed with the U.S. Trustee in the Case, whether formal or informal and regardless of whether transmitted or conveyed by mail, personal delivery, telephone, email, or otherwise.

PLEASE TAKE FURTHER NOTICE that neither this Notice nor any subsequent appearance, pleading, claim, proof of claim, document, suit, motion, nor any other writing or conduct shall constitute a waiver of Aimwell's:

1. Right to have any and all final orders in any and all non-core matters entered only after *de novo* review by a United States District Court Judge;
2. Right to trial by jury in any proceeding as to any and all matters so triable herein, whether or not the same be designated legal or private rights, or in any case, controversy, or proceeding related hereto, notwithstanding the designation or not of such matters as "core proceedings" pursuant to 28 U.S.C. § 157(b)(2)(H), and whether such jury trial right is pursuant to statute or the United States Constitution;
3. Right to have the reference of this matter withdrawn by the United States District Court in any matter or proceeding subject to mandatory or discretionary withdrawal;
4. Right to receipt of service of process in all actions, causes, claims, or proceedings arising in, arising under, or related to these proceedings to be served directly on Aimwell as required by law, and this Notice shall not constitute an authorization (express or implied) for the

law firm Donahue Fitzgerald LLP to act as the agent for purposes of service on Aimwell under Fed. R. Bankr. P. 7004;

5. Right to contest service of process; or
6. Other rights, claims, actions, defenses, setoffs, recoupments, or other matters to which any party is entitled under any agreements or at law or in equity or under the United States Constitution.

All of the above rights are expressly reserved and preserved without exception and with no purpose of confessing or conceding jurisdiction in any way by this filing or by any other participation in the Case.

Dated: May 26, 2015

DONAHUE FITZGERALD LLP

By: /s/ Eric A. Handler

Eric A. Handler (Cal. State Bar No. 224637)
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Attorneys for Aimwell LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2015, the foregoing **Notice Of Appearance And Request For Service Of Notices And Papers** was served on all parties in interest through the CM/ECF system of the United States Bankruptcy Court for the Northern District of California and via first class mail, postage prepaid, and e-mail, to:

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Dated: May 26, 2015

DONAHUE FITZGERALD LLP

By: /s/ Eric A. Handler

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